

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:	)	
	)	
JEROME ALAN JOHNSON and	)	Case No. 19-12437-BFK
MICHELE ANITA JOHNSON,	)	Chapter 7
	)	
Debtor(s).	)	
<hr style="width: 35%; margin-left: 0;"/>	)	
DONALD F. KING,	)	
as Chapter 7 Trustee,	)	Adversary Proceeding
	)	No. 21-01046-BFK
Plaintiff,	)	
v.	)	
	)	
MARY ELLA JOHNSON,	)	
EMERI M. JOHNSON,	)	
GABRIELLE A. JOHNSON, and	)	
LEGACY WEALTH PROPERTIES, LLC,	)	
	)	
Defendants.	)	
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**ORDER DENYING PLAINTIFF’S  
MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

This matter comes before the Court on the Plaintiff’s Motion for Leave to file a Second Amended Complaint. (Docket No. 71). For the reasons stated below, the Court will deny the Motion.

Under Bankruptcy Rule 7015 (incorporating Federal Rule of Civil Procedure 15), leave to amend a complaint shall be liberally granted. Fed. R. Civ. P. 15(a)(2). Leave to amend should be granted unless there is “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the

opposing party by virtue of allowance of the amendment, [or] futility of amendment.” *Foman v. Davis*, 371 U.S. 178, 182 (1962).

The Plaintiff filed this adversary proceeding on July 22, 2021. (Docket No. 1). Discovery has been extended, and the final pre-trial conference has been continued, twice now. (Docket Nos. 34, 65). The final pre-trial conference is set for June 6, 2022. If the Court were to allow the Second Amended Complaint, it would have to continue the final pre-trial conference a third time, and allow another three or four months for discovery for the new Defendant. The Court is not suggesting that the Trustee has been dilatory here. Rather, the Court has no confidence that the eventual setting of a trial won’t be delayed by further transfers of the property.

The Court, therefore, will deny the Motion. The Trustee is free to file a separate adversary proceeding with respect to the latest transfer of the property.

It is therefore **ORDERED**:

- A. The Plaintiff’s Motion for Leave to file a Second Amended Complaint (Docket No. 71) is denied.
- B. The Clerk will mail copies of this Order, or will provide cm-ecf notice of its entry, to the parties below.

Date: May 18 2022

Alexandria, Virginia

/s/ Brian F Kenney

The Honorable Brian F. Kenney  
United States Bankruptcy Judge

Entered On Docket: May 18 2022

Copies to:

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